

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC VALENCIA,

Plaintiff,

v.

VILLALOBOS, et al.,

Defendant.

1:25-cv-00097-HBK (PC)

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 5)

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY THE
MADERA COUNTY SHERIFF

Plaintiff, a pretrial detainee in the Madera County Jail, initiated this action on January 22, 2025, by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* on his Complaint and submitted a copy of his prison trust fund statement and/or certification from prison officials in support. (Doc. No. 5). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the full \$350.00 statutory filing fees as set forth in 28 U.S.C. § 1915. **Pursuant to § 1915(b)(1)(B), Plaintiff is obligated to make an initial payment of \$32.00¹ (20% of the average 6-month balance in the prisoner's account).** Thereafter, Plaintiff must make monthly payments of 20% of the preceding month's income credited to his trust account.

¹ The statute requires an initial filing fee of 20% of the greater of the six-months average monthly deposits or average monthly balance. 28 U.S.C. § 1915(b)(1)(A), (B). Plaintiff had an average monthly balance of \$162.07 over the relevant six-month period. (Doc. No. 5 at 2).

The Madera County Sheriff's Department is required to send the initial \$32.00 payment to the Clerk of the Court from any funds deposited into Plaintiff's account and then send any subsequent payments from Plaintiff's account each time the amount in his account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

ACCORDINGLY, it is **ORDERED**:


1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 5) is GRANTED.

2. **The Madera County Sheriff or his designee shall forward an initial payment of \$32.00 to the Clerk of the Court from Plaintiff's prison trust account from any funds deposited in accordance with 28 U.S.C. § 1915(b)(1)(B) and shall make future monthly payments in an amount equal to twenty percent (20%) of the preceding month's income credited to the Plaintiff's trust account each time the amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded to the Clerk of the Court.** The payments shall be clearly identified by the name and number assigned to this action.

3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's *in forma pauperis* application on the on the Madera County Sheriff located at 195 Tozer Street, Madera, CA 93638.

4. The Clerk of the Court is directed to serve a copy of this order on the Financial Department, U.S. District Court, Eastern District of California.

Dated: February 6, 2025


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE